

title VI, §§ 614(d), 622, title X, § 1045(b)(1), Nov. 24, 2003, 117 Stat. 1501, 1505, 1612; Pub. L. 108-375, div. A, title VI, §§ 614(e), 621, title X, § 1084(e)(2), Oct. 28, 2004, 118 Stat. 1948, 1954, 2064; Pub. L. 109-163, div. A, title VI, §§ 624(e), 640(a)-(f)(1), 687(b)(31), Jan. 6, 2006, 119 Stat. 3295, 3302, 3303, 3332; Pub. L. 109-364, div. A, title VI, § 614(e), Oct. 17, 2006, 120 Stat. 2248.)

AMENDMENTS

2006—Pub. L. 109-163, § 640(f)(1), substituted “Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units” for “Special pay: retention incentives for members qualified in a critical military skill” in section catchline.

Subsec. (a). Pub. L. 109-163, § 640(a)(1)(A), (b)(1), in introductory provisions, substituted “who is serving on active duty in a regular component or in an active status in a reserve component and who” for “who is serving on active duty and” and “critical military skill designated under subsection (b) or accepts an assignment to a high priority unit designated under such subsection” for “designated critical military skill”.

Subsec. (a)(1). Pub. L. 109-163, § 640(a)(1)(B), inserted “or to remain in an active status in a reserve component for at least one year” before semicolon.

Subsec. (a)(3). Pub. L. 109-163, § 640(a)(1)(C), inserted “or to remain in an active status in a reserve component for a period of at least one year” before period.

Subsec. (b). Pub. L. 109-163, § 640(b)(2), substituted “Eligibility Criteria” for “Designation of Critical Skills” in heading, designated existing provisions as par. (1), and added par. (2).

Subsec. (d)(1). Pub. L. 109-163, § 640(c), inserted “(or \$100,000 in the case of a reserve component member)” after “\$200,000”.

Subsec. (e)(1)(A). Pub. L. 109-163, § 640(a)(2), inserted “or service in an active status in a reserve component” after “active duty”.

Subsec. (e)(1)(B). Pub. L. 109-163, § 640(a)(2), inserted “or service in an active status in a reserve component” after “active duty” in two places.

Subsec. (e)(2), (3). Pub. L. 109-163, § 640(d), added pars. (2) and (3) and struck out former par. (2) which read as follows: “The limitations in paragraph (1) do not apply with respect to an officer who is assigned duties as a health care professional during the period of active duty for which the bonus is being offered.”

Subsec. (g). Pub. L. 109-163, § 687(b)(31), amended heading and text of subsec. (g) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment required when member fails to remain technically qualified in critical military skill or to satisfy other eligibility criteria for which bonus was paid.

Subsec. (g)(1). Pub. L. 109-163, § 640(e), substituted “If a member paid a bonus under this section fails, during the period of service covered by the member’s agreement, reenlistment, or voluntary extension of enlistment under subsection (a), to remain qualified in the critical military skill or to satisfy the other eligibility criteria for which the bonus was paid,” for “If an officer who has entered into a written agreement under subsection (a) fails to complete the total period of active duty specified in the agreement, or an enlisted member who voluntarily or because of misconduct does not complete the term of enlistment for which a bonus was paid under this section,”.

Subsec. (h)(1). Pub. L. 109-163, § 640(b)(3), substituted “members of the armed forces who were offered a bonus under this section” for “members qualified in the critical military skills for which the bonuses were offered”.

Subsec. (i). Pub. L. 109-364 substituted “December 31, 2007” for “December 31, 2006”.

Pub. L. 109-163, § 624(e), substituted “December 31, 2006” for “December 31, 2005”.

2004—Subsec. (a). Pub. L. 108-375, § 621, inserted “other than an enlisted member referred to in paragraph (3),” after “enlisted member,” in par. (2) and added par. (3).

Subsec. (h). Pub. L. 108-375, § 1084(e)(2), substituted “Secretary of Homeland Security” for “Secretary of Transportation” in introductory provisions.

Subsec. (i). Pub. L. 108-375, § 614(e), substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsec. (a). Pub. L. 108-136, § 1045(b)(1), substituted “one year” for “1 year” in pars. (1) and (2).

Subsec. (b). Pub. L. 108-136, § 622, struck out “(1)” before “A designated” and par. (2) which read as follows: “The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, shall notify Congress, in advance, of each military skill to be designated by the Secretary as critical for purposes of this section. The notice shall be submitted at least 90 days before any bonus with regard to that critical skill is offered under subsection (a) and shall include a discussion of the necessity for the bonus, the amount and method of payment of the bonus, and the retention results that the bonus is expected to achieve.”

Subsec. (i). Pub. L. 108-136, § 614(d), substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (b). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation” in pars. (1) and (2).

Subsec. (d). Pub. L. 107-314, § 618(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (e). Pub. L. 107-314, § 618(b), designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and added par. (2).

Subsec. (g)(1). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (i). Pub. L. 107-314, § 614(d), substituted “December 31, 2003” for “December 31, 2002”.

2001—Subsec. (i). Pub. L. 107-107 substituted “December 31, 2002” for “December 31, 2001”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE

Pub. L. 106-398, § 1 [[div. A], title VI, § 633(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-158, provided that: “Section 323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.”

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of Title 10, Armed Forces.

§ 324. Special pay: accession bonus for new officers in critical skills

(a) **ACCESSION BONUS AUTHORIZED.**—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement to accept a commission or an appointment as an officer of the armed forces and serve on active duty in a designated critical officer skill for the period specified in the agreement may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

(b) DESIGNATION OF CRITICAL OFFICER SKILLS.—The Secretary concerned shall designate the critical officer skills for the purposes of this section. A skill may be designated as a critical officer skill for an armed force under this subsection if—

(1) in order to meet requirements of the armed force, it is critical for the armed force to have a sufficient number of officers who are qualified in that skill; and

(2) in order to mitigate a current or projected significant shortage of personnel in the armed force who are qualified in that skill, it is critical to access into that armed force in sufficient numbers persons who are qualified in that skill or are to be trained in that skill.

(c) LIMITATION ON AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed \$60,000.

(d) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid by the Secretary in a lump sum or installments.

(e) RELATION TO OTHER ACCESSION BONUS AUTHORITY.—An individual may not receive an accession bonus under this section and section 302d, 302h, 302j, or 312b of this title for the same period of service.

(f) REPAYMENT.—An individual who, having received all or part of the bonus under an agreement referred to in subsection (a), is not thereafter commissioned as an officer or does not commence or complete the total period of active duty service specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2007.

(Added Pub. L. 107-107, div. A, title VI, § 621(a), Dec. 28, 2001, 115 Stat. 1139; amended Pub. L. 107-314, div. A, title VI, § 614(e), title X, § 1062(c)(2), Dec. 2, 2002, 116 Stat. 2568, 2651; Pub. L. 108-136, div. A, title VI, §§ 614(e), 623, Nov. 24, 2003, 117 Stat. 1502, 1505; Pub. L. 108-375, div. A, title VI, § 614(f), Oct. 28, 2004, 118 Stat. 1948; Pub. L. 109-163, div. A, title VI, §§ 624(f), 687(b)(32), Jan. 6, 2006, 119 Stat. 3295, 3332; Pub. L. 109-364, div. A, title VI, § 614(f), Oct. 17, 2006, 120 Stat. 2249.)

AMENDMENTS

2006—Subsec. (f). Pub. L. 109-163, § 687(b)(32), amended heading and text of subsec. (f) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment required when individual receives accession bonus payment but fails to accept commission or appointment as officer or to commence or complete agreed upon period of active duty.

Subsec. (g). Pub. L. 109-364 substituted “December 31, 2007” for “December 31, 2006”.

Pub. L. 109-163, § 624(f), substituted “December 31, 2006” for “December 31, 2005”.

2004—Subsec. (g). Pub. L. 108-375 substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsecs. (a), (f)(1). Pub. L. 108-136, § 623, inserted “or an appointment” after “commission”.

Subsec. (g). Pub. L. 108-136, § 614(e), substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (b). Pub. L. 107-314, § 1062(c)(2), struck out par. (1) designation before “The Secretary”.

Subsec. (g). Pub. L. 107-314, § 614(e), substituted “December 31, 2003” for “December 31, 2002”.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of Title 10, Armed Forces.

§ 325. Incentive bonus: savings plan for education expenses and other contingencies

(a) BENEFIT AND ELIGIBILITY.—The Secretary concerned may purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

(2) A member who, after completing three years of service on active duty, but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

(b) QUALIFYING SERVICE.—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet requirements (whether or not such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—

(1) is not less than six years; and

(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.

(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—For the purposes of this section, a commitment means—

(1) in the case of an enlisted member, a reenlistment; and

(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

(d) AMOUNTS OF BONDS.—The total of the face amounts of the United States savings bonds authorized to be purchased for a member under this section for a commitment shall be as follows:

(1) In the case of a purchase for a member under paragraph (1) of subsection (a), \$5,000.

(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of \$15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of \$30,000 over the